

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., *et al.*,

Defendants.

Civil Action No. 21-CV-11181-DPW

**DEFENDANT EBAY INC.'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL REPLY TO PLAINTIFFS' SUPPLEMENTAL OPPOSITION**

Pursuant to Local Rule 7.1(b)(3), Defendant eBay Inc. ("eBay"), through its undersigned counsel, hereby moves for leave to file the supplemental reply memorandum at Exhibit A in response to Plaintiff Ina and David Steiner's ("Steiners") and Steiner Associates, LLC's ("Plaintiffs") October 1, 2022 supplemental brief in support of their consolidated opposition to Defendants' currently pending motions to dismiss. Dkt. 146. As grounds for this motion, eBay states as follows:

1. On September 29, 2022, Plaintiffs sought leave to file three documents: (1) Defendant Jim Baugh's Sentencing Memorandum filed on September 27, 2022; (2) Defendant Jim Baugh's letter of contrition filed on September 27, 2022; and (3) the Amended Sentencing Memorandum of David Harville filed on September 24, 2022. Dkt. 144.

2. On September 30, 2022, the Court granted Plaintiffs leave to file these three documents. Dkt. 145.

3. On October 1, 2022, Plaintiffs filed the three documents that they had received leave to file. Dkt. 146.1 – 146.3. In addition, Plaintiffs filed a six page supplemental brief in support of their consolidated opposition to Defendants’ motions to dismiss. Dkt. 146.

4. eBay believes that submission of a reply memorandum is necessary to correct and clarify legal and factual deficiencies in Plaintiffs’ supplemental submission that are specific to eBay and its partial motion to dismiss. eBay believes such correction and clarification will aid the Court in ruling on eBay’s partial motion to dismiss.

5. The Court also recently granted Defendant Devin Wenig’s motion (Dkt. 147) to file a supplemental reply. Dkt. 148

6. eBay has conferred with Plaintiffs’ counsel, who takes no position on this motion.

WHEREFORE, eBay respectfully requests that this Court grant this motion and allow eBay to file the supplemental reply memorandum at Exhibit A within three court days after entry of the order for leave.

Dated: October 15, 2022

Respectfully submitted,

By: /s/ Jack W. Pirozzolo
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Counsel for eBay Inc.

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(A)(2), counsel for eBay has conferred with counsel for Plaintiffs Ina and David Steiner and Steiner Associates, LLC, who takes no position on the motion.

Dated: October 15, 2022

/s/ Jack W. Pirozzolo
Jack. W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2022, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Jack W. Pirozzolo
Jack. W. Pirozzolo